

Victim / Witness Division

Michael G. Nerheim
Lake County State's Attorney



Lake County State's Attorney's Office
18 North County Street
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It is my honor to serve as the Lake County State's Attorney. Ensuring that crime victims have a meaningful role in the criminal justice process is a top priority.

My office is committed to protecting victims and enforcing the rights that are afforded to them under the Illinois Victims Bill of Rights Act.

Crime not only affects the individual victim, but also the family and communities that surround them. Our Victim/Witness Coordinators work diligently to assist crime victims and their families, and to uphold the mission of our Office.

I remain committed to seeking justice and promoting the safety and well-being of the citizens of Lake County to ensure justice is served by all.

Mike Nerheim



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Lake County State's Attorney's Office

The State's Attorney of Lake County is elected official, Michael G. Nerheim. There are numerous Assistant State's Attorneys that work under the State's Attorney. They prosecute the criminal cases in the traffic, misdemeanor and felony courts. Assistant State's Attorneys are also known as prosecutors who represent the People of the State of Illinois.

The Lake County State's Attorney's Office consists of various specialized divisions that are tasked with other forms of litigation aside from direct criminal prosecution. In addition to our criminal divisions that assist thousands of victims of sexual assault, domestic violence, cyber/white collar crime, and drugs/narcotics, we also file legal actions to enforce child support orders, and serve as legal counsel for the government of Lake County.

The mission statement of the Lake County State's Attorney's Office is to be dedicated to seeking justice with integrity by vigorously and ethically prosecuting criminal acts, with empathy and compassion for the victims of crime and unwavering respect for the rights of the accused; protecting the people of Lake County by working with our criminal justice partners to make our communities safe; and providing exceptional and professional legal representation to Lake County and its elected and appointed officials, thereby promoting responsible and trustworthy government.

The Office is vested in several restorative justice programs that work to engage community members, business leaders, media representatives, teachers, young people, policy makers, elected officials and law enforcement to ensure the health and wellbeing of the people we serve. Our goal is to repair the harm caused by crime. When all members of the community work together to achieve common goals and best practices for repairing the damage that has been done, the results can be transformational. To learn more about these various initiatives, please talk to the Victim/Witness Coordinator assigned to your case.



ILLINOIS VICTIMS Bill of Rights

The Illinois Constitution and Illinois statutes provide that victims of violent crime have the following rights:

- * The right to be treated with fairness and respect for their dignity and privacy and to be free from harassment, intimidation and abuse throughout the criminal justice process.
- * The right to notice of and to a hearing before a court ruling on a request for access to any of the victim's records, information or communications which are privileged or confidential by law.
- * The right to timely notification of all court proceedings.
- * The right to communicate with the prosecution.
- * The right to be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea or sentencing.
- * The right to be notified of the conviction, sentence, imprisonment and release of the accused.
- * The right to timely disposition of the case following the arrest of the accused.
- * The right to be reasonably protected from the accused throughout the criminal justice process.
- * The right to have the safety of the victim and the victim's family considered in denying or fixing the amount of bail, determining whether to release the defendant and setting conditions of release after arrest and conviction.
- * The right to be present at the trial and all other court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
- * The right to have present at all court proceedings, subject to the rules of evidence, an advocate and other support person of the victim's choice.
- * The right to restitution.

These rights apply in adult criminal proceedings and juvenile delinquency proceedings and are subject to change.

Violent crimes include homicide, felony assaults and batteries, kidnapping, sexual assault and abuse, arson, domestic battery, misdemeanors that result in death or great bodily harm, stalking, driving under the influence and violations of domestic violence orders of protection, civil no contact orders and stalking no contact orders.

The law requires that these rights must be requested in writing when charges have been filed against an offender. This form is referred to as the “Notice of Victim’s Assertion of Rights”/“Declaration of Victims Rights Form” (DVR).

Our goal is to make sure all victims of crime are informed of their Constitutional and Statutory Rights. Please note that victims of violent crimes are afforded additional remedies. Please contact your Victim/Witness Coordinator for more information on the DVR.

Victim/Witness Division

The Victim/Witness Division of the Lake County State’s Attorney’s Office was formed to serve the needs of people like you. The division is meant to ensure that the rights of victims are enforced.

The Victim/Witness Division consists of trained and experienced coordinators. The Victim /Witness Coordinators specialize in areas such as domestic violence, adult/child sexual abuse, elderly exploitation, juvenile and other areas of crime. No matter their specialty, every Victim/Witness Coordinator assists victims to locate resources and provides support and assistance to meet their needs in addition to accommodating any language barriers. The primary function of the coordinators is to serve as the contact person for the victim and/or witness throughout the criminal justice process. The services available to you include, but are not limited to:

- ✱ Orienting and educating the victim/witness to the criminal process in order to decrease the anxiety often associated with the court system.
- ✱ Keeping the victim/witness informed about procedures, changes in court dates, and reasons for postponements and delays.
- ✱ Providing the victim with the appropriate social service referrals to other community agencies.

We encourage you to take advantage of our services as we assist to make the criminal justice system as positive an experience as possible.



Investigation Process

It is very important for you, as a victim or a witness, to report a crime to your local police department. Once a crime has been reported, it is the responsibility of the officer to investigate the report.

If the officer determines that a misdemeanor offense has been committed, the police department will make an arrest. If the crime rises to the level of a felony offense, then the officer will contact the State's Attorney's Office Felony Review Division. The exception is that all domestic violence and sexual assault cases, whether misdemeanor or felony, are called in to the Felony Review Division to be screened. An Assistant State's Attorney reviews the reports for a possible felony charge and decides what prosecutorial action should be taken.

A **felony** is a criminal offense that is punishable by a sentence in a state prison of one year or more, a probation term, or periodic imprisonment.

A **misdemeanor** is a criminal offense that is punishable by a sentence of less than one year in a facility other than a state prison. A misdemeanor will be charged in the event a criminal offense does not rise to the level of a felony.

If the State's Attorney's Office determines that a crime has been committed and if the defendant is not in custody, a warrant (the document giving the police the authority to make an arrest) must be issued by a judge. The defendant is then sought out by the arresting agency. If the defendant is already in custody, he or she will be arrested immediately. After the defendant has been arrested, a bond will be set by a judge. A Victim/Witness Coordinator will then be assigned to your case.

Responsibility of Crime Victims

✱ Cooperation of victims and witnesses in the investigation and prosecution of crimes can be a leading factor in the reduction of crime. Therefore, you should always report crime and you should agree to testify as to what happened.

✱ Assistant State's Attorneys, the Courts, and Victim/Witness Coordinators cannot ensure victims are afforded their rights, including the right to restitution, if victims do not provide valid contact information and documentation to the State's Attorney's Office regarding the assertion of victims' rights.

✱ It is very important to notify our office or the investigating agency if you are relocating or changing telephone numbers. By prosecuting crime, we are taking measures to protect you and the citizens of Lake County. Unfortunately, the process takes time. Please know that we realize your time is valuable and we appreciate your cooperation.

✱ If you are a victim of a violent crime, you have the opportunity to explain the emotional, financial and physical damage experienced through a Victim Impact Statement. Although not required, this statement creates an opportunity for the judge to hear how your life has been affected by the defendant's actions. Speak with your assigned Victim/Witness Coordinator for more information.

✱ Under Illinois law, the decision to file charges rests solely with the State's Attorney's Office. Victims of crime have the right to be informed about the proceedings. For information regarding your rights, please review the Declaration of Victims Rights Form. When an act of violence or other crime is committed in Illinois, it is considered a crime against all the people of the state. The State's Attorney represents the People of the State of Illinois. Your feelings and opinions will assist the State's Attorney's Office; however, the prosecutor can go forward with a criminal charge even if you do not wish to prosecute.





Helping Crime Victims

✱ The **Illinois Crime Victims Compensation Act** provides eligible victims of violent crime with up to \$27,000 in financial assistance for certain out-of-pocket expenses resulting from the crime. Crime victim compensation is applicable to the following crime victims:

- A person killed or injured in Illinois as a result of a violent crime.
- The spouse and parent of a person killed or injured in Illinois as a result of a violent crime.
- A person killed or injured in Illinois while attempting to assist a crime victim.
- An individual who personally witnessed a violent crime in Illinois.
- An Illinois resident who became a victim of a violent crime in a county that does not have a compensation fund for crime victims.
- A person under the age of 18 who is the brother, sister, half brother, half sister, child or stepchild of a person killed or injured in Illinois (for mental health treatment only).

For more information and a detailed description of crime victims compensation, please visit:

www.illinoisattorneygeneral.gov

(800) 228-3368

(877) 398-1130 (TTY)

✱ **Automated Victim Notification**, known as Vinelink, is an automated service enabling you to register for notification of any change in custody, including release from prison.

Register for Vinelink at: vinelink.com

Or use: VINELink mobile app

Or call: (866) 566-8439 or (877) 502-2423 (TTY)

✱ When an offender is in the **Illinois Department of Corrections (IDOC)** information on admission, release, discharge, and sentencing is available through the IDOC website. Please visit:

illinois.gov/idoc

(217) 558-2200 ext. 2008

✱ Requests can be made to the **Illinois Prisoner Review Board (IPRB)** regarding an inmate's period of Mandatory Supervised Release (MSR). Requests for conditions and monitoring may be made to the IPRB and include: no contact; electronic detention; drug/alcohol treatment; and outpatient psychological evaluation and treatment. To make a request, complete the **Know Your Rights as a Victim or Witness form** located online on the IDOC and IPRB websites:

www.illinois.gov/idoc

www.illinois.gov/prb

*You must attach a letter of explanation
for your requests and send it to:*

**Illinois Prisoner Review Board
Attention: Victims Unit
319 East Madison Street, Suite A
Springfield, IL 62701
(217) 782-7273
Toll Free (800) 801-9110**

✱ Case information is also available by accessing the website for **Lake County Circuit Clerk's Office** at:

www.lakecountycircuitclerk.org

✱ Our Victim/Witness Coordinators will work with you to provide referrals to various community organizations to fulfill unmet needs. If you or any member of your family are in need of referrals for counseling, support or other service needs, please talk to the coordinator assigned to your case.

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ILLINOIS ORDERS OF PROTECTION AND NO CONTACT ORDERS



Domestic Violence ORDER OF PROTECTION

Who is eligible for these protections?

Family or household members who:

- Are related by blood, or by current or former marriage to the offender.
- Share or shared a common home with the offender.
- Have or allegedly have a child in common with the offender.
- Share or allegedly share a blood relationship to the offender through a child.
- Have or had a dating relationship or engagement with the offender.
- Are high risk adults with disabilities abused by a family member or caregiver.

Remedies & Protections

The judge can grant up to 18 remedies, from prohibiting further abuse to ordering the offender to stay away, revoking a FOID card, protecting property and pets, requiring financial support, providing temporary care of children, and ordering exclusive possession of the home.

Violations

The first violation of a Domestic Violence Order of Protection is a Class A misdemeanor. A subsequent violation or a violation following other domestic convictions is a Class 4 felony.



Sexual Assault CIVIL NO CONTACT ORDER

Who is eligible for these protections?

Any person who is a victim of non-consensual sexual conduct or sexual penetration.

These orders also can protect the following people:

- Family or household members of a victim.
- Rape crisis center employees and volunteers.

Remedies & Protections

The judge can grant any or all of the following remedies:

- Prohibit contact with the victim.
- Order the offender to stay away from victim generally and/or to stay away from specific locations.

- Protection of property and pets.
- Order the offender to transfer to another school if the victim and offender attend the same school.
- Other injunctive relief necessary to protect the victim.

Violations

The first violation of a Sexual Assault Civil No Contact Order is a Class A misdemeanor. A subsequent violation is a Class 4 felony.

Stalking NO CONTACT ORDER

Who is eligible for these protections?

Any person who is the victim of a course of conduct that causes the victim to fear for his or her safety or the safety of another person, or to suffer emotional distress, and relief is not available to the victim through the Illinois Domestic Violence Act or through a Sexual Assault Civil No Contact Order.

Remedies & Protections

The judge can grant any or all of the following remedies:

- Prohibit further stalking or threats of stalking.
- Prohibit contact with the victim.
- Order stalker to stay away from specific locations.
- Prohibit stalker from having a FOID card and owning firearms.
- Other injunctive relief necessary to protect the victim.

Attorneys' fees are the only financial remedy available.

Violations

The first violation of a Stalking No Contact Order is a Class A misdemeanor. A subsequent violation is a Class 4 felony.

CASE NUMBER:

V/W COORDINATOR/ADVOCATE:

ASSISTANT STATE'S ATTORNEY:

DEFENDANT NAME:

COURT DATES:



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